

Message Text

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PAGE 01 STATE 053993
ORIGIN L-03

INFO OCT-01 AF-10 ISO-00 CA-01 SCS-06 CPR-01 INR-10
EB-08 SS-15 NSC-05 /060 R

DRAFTED BY L/M:HFSHAMWELL,JR.:CEK
APPROVED BY L/M:KEMALMBORG
AF/S:KMCCORMICK
CA/SCS:LMULLIN
S/CPR: (INFO)
L/T: (INFO)

-----094615 030536Z /17

R 022128Z MAR 78
FM SECSTATE WASHDC
TO AMEMBASSY MBABANE
INFO AMEMBASSY GABORONE
AMEMBASSY MASERU

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E.O. 11652: N/A

TAGS: CGEN, WZ

SUBJECT: PROPOSED U.S.-SWAZILAND CONSULAR CONVENTION

REF: MBABANE 3311, 1977

1. THIS CABLE TRANSMITS DEPARTMENT'S RESPONSES TO EMBASSY'S COMMENTS ON DRAFT CONVENTION.
2. ARTICLE 3, P.4: EMBASSY'S RECOLLECTION IS CORRECT

THAT DEPT. HAS SUBSTITUTED SIMPLE EXCHANGE OF NOTES FOR FORMAL EXEQUATUR PROCEDURE. NEVERTHELESS, NO REVISION NEED BE MADE TO LANGUAGE OF THIS ARTICLE SINCE IT ALLOWS FOR LIMITED OFFICIAL USE

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TRANSMITTAL OF A "DOCUMENT OF APPOINTMENT" (WHICH MAY BE INCORPORATED IN A NOTE) TO BE RESPONDED TO BY SOME "OTHER AUTHORIZATION" ISSUED BY THE RECEIVING STATE.

3. CHANGE PROPOSED FOR ARTICLE 7, PARA. 9, NAMELY, FROM "CONSULAR DEPARTMENT" TO "CONSULAR SECTION" IS AUTHORIZED.

4. RE ARTICLE 11 (PERSONA NON GRATA), DEPT. HAS NO STRONG FEELINGS ON RESERVING TO THE RECEIVING STATE THE RIGHT TO DECLARE "UNACCEPTABLE" A CONSULAR EMPLOYEE WHO IS A NATIONAL OR PERMANENT RESIDENT OF THE RECEIVING STATE.

FROM A PRACTICAL POINT OF VIEW, HOWEVER, THE RECEIVING STATE CAN EXERCISE VIRTUALLY UNLIMITED CONTROL, IN ACCORDANCE WITH ITS OWN LAWS AND REGULATIONS, OVER ITS NATIONALS AND PERMANENT RESIDENTS RESPECTING THEIR EMPLOYMENT ACTIVITIES. IN ADDITION, DEPT. IS NOT AWARE OF ANY SERIOUS PROBLEMS ENCOUNTERED IN THIS REGARD IN PAST. NEVERTHELESS, IF POST FEELS VERY STRONGLY THAT NO SPECIFIC RIGHT OF THE RECEIVING STATE TO TAKE ACTION AGAINST LOCAL EMPLOYEES SHOULD BE INCORPORATED THEN THE DEPARTMENT WOULD BE AMENABLE TO NEGOTIATING APPROPRIATE EXCEPTIONS FOR RECEIVING STATE NATIONALS AND PERMANENT RESIDENTS. REGARDING SUBSTITUTE LANGUAGE FOR ARTICLE 11, PARA. 2, THE FOLLOWING IS SUGGESTED: "IF THE SENDING STATE REFUSES OR FAILS WITHIN REASONABLE TIME TO CARRY OUT ITS OBLIGATIONS UNDER PARA. 1 OF THIS ARTICLE, THE RECEIVING STATE MAY, AS THE CASE MAY BE, EITHER WITHDRAW THE EXEQUATUR OR OTHER AUTHORIZATION FROM THE CONSULAR OFFICER OR CEASE TO CONSIDER A CONSULAR EMPLOYEE AS A MEMBER OF THE CONSULATE."

5. THE TWO TYPOS MENTIONED IN SUBPARA D AND E OF PARA 3 HAVE BEEN CORRECTED.
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6. DEPT. HAS NO OBJECTION TO ADDING THE LANGUAGE "ITS PROPERTY" TO ARTICLE 28 RESPECTING CONSULAR ASSETS WHICH ARE IMMUNE FROM REQUISITION.

7. DEPT. AGREES THAT ARTICLES ON VESSELS (ARTICLES 38, 39 AND 40) SHOULD BE RETAINED, NOTWITHSTANDING THE FACT THAT SWAZILAND IS AT PRESENT A NON-MARITIME NATION. SHOULD SWAZILAND EVER OBTAIN SHIPS OR ALLOW ITS FLAG TO

BE USED FOR CONVENIENCE PURPOSES THE ARTICLES IN QUESTION WOULD BE RELEVANT. RESPECTING COMMENTS PARA 3, EMB. AUTHORIZED TO FORWARD DRAFT TEXT, AS AMENDED, TO GOS WITH EXPLANATION THAT THE TEXT REPRESENTS USG'S PRELIMINARY THINKING ON A CONSULAR CONVENTION. IT SHOULD BE NOTED THAT THE USG NOT WEDDED TO EVERY DETAIL AND THE SPECIFICS OF THE LANGUAGE INVOLVED WOULD BE SUBJECT TO NEGOTIATION. RESPECTING POTENTIAL "MULTI-MEMBER USG TEAM", EMB. IS ADVISED THAT AT PRESENT TIME DEPT. HAS ONLY TWO CONSULAR CONVENTION NEGOTIATORS WHOSE PRESENCE WOULD NOT LIKELY OVERWHELM ANY SWAZI NEGOTIATING TEAM. EMB. IS REQUESTED TO KEEP DEPT. ADVISED OF NEW DEVELOPMENTS TO-

WARDS COMMENCEMENT OF NEGOTIATIONS. CHRISTOPHER

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Disposition Action: RELEASED
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Disposition Reason:
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